

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1919 - SB 1878

February 13, 2022

SUMMARY OF BILL: Creates a Class E felony offense for taking custody of a child transported across state lines if the individual or entity taking custody has not first obtained the written consent of the Department of Children's Services (DCS).

Establishes certain criteria which must be provided by an individual or entity to DCS in order to receive approval for a transfer of custody. Requires DCS to create a database containing such information which may be shared with the Department of Human Services (DHS) and law enforcement.

Requires DCS to promulgate emergency rules within 75 days of the effective date of the proposed legislation.

FISCAL IMPACT:

Increase State Expenditures – \$12,100 Incarceration

Assumptions:

- The proposed legislation creates a Class E felony offense for taking custody of a child transported across state lines, and whose transport across state lines is not subject to the Interstate Compact on the Placement of Children, if the individual or entity taking custody has not first obtained the written consent of the DCS.
- The proposed legislation will result in one admission for the Class E felony offense of taking custody of a child transported across state lines without written consent every year.
- The average time served for a Class E felony is 0.66 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).
- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The estimated increase in incarceration costs are estimated to be the following over the next ten-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$12,000	FY22-23
\$12,100	FY23-24
\$12,100	FY24-25
\$12,100	FY25-26
\$12,100	FY26-27
\$12,100	FY27-28
\$12,100	FY28-29
\$12,100	FY29-30
\$12,100	FY30-31
\$12,100	FY31-32

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring costs increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$12,100.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state revenue.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- The proposed legislation will require DCS to develop a new database to maintain the records of children attempting to be transported across state lines. The database will exist outside the existing Tennessee Family and Child Tracking System (TFACTS).
- The database will be created by DCS staff and will require integration with external data sources and the development of a portal to make the information available to other entities, including DHS and law enforcement.
- DCS can promulgate rules to enact the proposed legislation within existing personnel and resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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